

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH  
CENTRAL DIVISION

CODY ROBERT JUDY,  
  
Plaintiff,  
  
v.  
  
SCOTT CARVER, et al.,  
  
Defendants.

Case No. 00-C-513 B

O R D E R

FILED IN UNITED STATES DISTRICT  
COURT DISTRICT OF UTAH

SEP 22 2000

MAHMOUD B. ZIMMER, Clerk

by                       
DEPUTY CLERK

Cody Robert Judy has filed a prisoner's motion and affidavit for leave to proceed pursuant to 28 U.S.C. § 1915(b) and a complaint pursuant to 42 U.S.C. § 1983.

Pursuant to 42 U.S.C. § 1997e(a)(1), plaintiff may not bring this action "until such administrative remedies as are available are exhausted." Plaintiff has failed to submit a statement from the grievance coordinator at the Utah State Prison certifying that plaintiff has fully exhausted his administrative remedies. Thus, plaintiff has not complied with this requirement. This court no longer has the option to stay actions while prisoners exhaust such remedies. See 42 U.S.C. § 1997e(a).

Accordingly, **IT IS HEREBY ORDERED** that plaintiff's complaint be dismissed without prejudice. Plaintiff will not be charged a filing fee in connection with this case. The Clerk of the Court should return any money paid by plaintiff as a partial filing

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fee. When and if plaintiff properly exhausts his administrative remedies, he may refile the case.

DATED this 21<sup>st</sup> day of September, 2000.

  
\_\_\_\_\_  
DEE BENSON, CHIEF JUDGE  
United States District Court

kam

United States District Court  
for the  
District of Utah  
September 25, 2000

\* \* CERTIFICATE OF SERVICE OF CLERK \* \*

Re: 2:00-cv-00513

True and correct copies of the attached were either mailed or faxed by the clerk to the following:

Cody Robert Judy  
UTAH STATE PRISON  
PO BOX 250  
DRAPER, UT 84020

Correction Section (FYI)  
UTAH ATTORNEY GENERAL'S OFFICE  
LITIGATION UNIT  
160 E 300 S 6TH FL  
PO BOX 140856  
SALT LAKE CITY, UT 84114-0856